

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LINDA MARSHALL, BEN DAMPIOS, AL
SPILLOWAY, BERNIE APOTHEKER, HARRY
ESPOSITO and BRENT WENTZ, on behalf
of themselves and all others similarly situated,

Civil Action No. 07 CV 6950 (LAP)

STIPULATION AND [PROPOSED]
ORDER EXTENDING THE TIME
TO ANSWER, MOVE OR
OTHERWISE RESPOND TO
COMPLAINT

Plaintiffs,

vs.

MILBERG WEISS BERSHAD & SCHULMAN
LLP, LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP, MELVYN I.
WEISS, DAVID J. BERSHAD, and STEVEN
G. SCHULMAN, DOES 1 THROUGH 15,

Defendants.

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WHEREAS, on October 30, 2007, the parties to this action agreed, and the Court
approved the agreement, to stay all proceedings in the case for 120 days as to the Stayed
Defendants and to allow the Coughlin Firm to proceed with its motion to dismiss this action;

WHEREAS, the parties further agreed, and the Court approved the agreement, to extend
the time for the Stayed Defendants to respond to the complaint until 30 days after the expiration
of the stay;

WHEREAS, on February 28, 2008, the United States filed a Motion to Intervene and to
Stay All Proceedings pending the resolution of the related criminal charges now pending in the
Central District of California, which motion has been fully briefed and is pending before the
Court,

NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by and among the undersigned counsel on behalf of their respective clients that:

1. Plaintiffs shall, on or before April 7, 2008, file an Amended Complaint, which shall constitute their one amended complaint as a matter of course pursuant to Fed. Civ. P. R. 15(a);
2. Undersigned defendants shall have an extension of time to answer, move on any applicable grounds or otherwise respond to the Amended Complaint until the later of: (a) 30 days after the filing of the amended complaint; or (b) 30 days after the Court rules on the pending motion to stay, if such motion is denied; or (c) 30 days after the stay is lifted, if the motion is granted.
3. In the event that this Court does not so order this stipulation, defendants shall have 30 days from the denial to answer, move on any applicable grounds or otherwise respond to the Complaint; and
4. If the motion for stay is denied, the Plaintiffs may serve any discovery requests permitted by Court order and the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern and Eastern Districts of New York and the defendants reserve all rights under the Rules and any orders of the Court.
5. This stipulation may be executed in counterparts and each counterpart shall have the same force and effect as an original and shall constitute an effective, binding agreement on the part of each of the undersigned; and
6. For the purposes of executing this stipulation, facsimile signatures may be used in lieu of, and shall be deemed equivalent to, original signatures.

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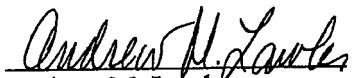
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IT IS SO ORDERED.

DATED: March , 2008

THE HONORABLE LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE